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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,246	06/27/2001	Jun Miura	SON-2150	1558

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RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER	
LEURIG, SHARLENE L	

ART UNIT	PAPER NUMBER
2879	

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	
	09/891,246	MIURA ET AL.	
	Examiner	Art Unit	
	Sharlene Leurig	2879	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☒ The proposed amendment(s) will not be entered because:

   (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: *See Continuation Sheet*.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☒ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *51-73*.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

Continuation of 2. NOTE: proposed new claim 74 is directed to a different invention than any of the standing claims or the claims previously filed. Specifically, claim 74 is directed to a flat CRT comprising a transfer foil, a transfer film and a screen panel, wherein the adhesiveness of the transfer foil to the screen panel is greater than the adhesiveness of the transfer foil to the transfer film. This newly claimed invention, if entered, would require further search and consideration.

Continuation of 5. does NOT place the application in condition for allowance because: applicant has argued that the final rejection of November 2, 2004 is premature and improper. The applicant's reasoning rests on two points.
First, that the examiner's rejection of claims 56-57 as being anticipated by Jeong (5,602,442) constituted a rejection on newly cited art not merited by an amendment introducing new limitations. The examiner disagrees that it was improper to make the rejection final even though claims 56 and 57 were newly rejected as being anticipated by Jeong because the standing rejection of claims 56 and 57 as being anticipated by Kato et al. (JP 11-096948) was maintained. The amendment to claim 51 overcame the rejection using the Kato reference, and required further search resulting in the finding of the Jeong reference. Because the Jeong reference was found to have all the claimed limitations of claims 51-73, the reference was applied to all claims as a notice to the applicant that the claims were not allowable over the Jeong reference, in addition to claims 56 and 57 not being allowable over the Kato reference, which had previously been applied to those claims. Because the prior rejection of claims 56 and 57 was maintained, and the rejection of those two claims with the Jeong reference was not solely relied upon to reject those claims, the finality of the rejection was not premature.
Secondly, the applicant argues that the examiner's interpretation of the limitation in some of the claims of the adhesive layer as resulting in a product-by-process claim is incorrect, and directs examiner to Figure 5A, which shows adhesive layer (24). At several points in the applicant's disclosure, including paragraph 0107, the adhesive layer is described as being vaporized and removed during the manufacture process, and is therefore not part of the final product. Therefore the adhesive layer is part of the intermediate product, and therefore cannot be relied upon as a structural feature in a claim directed to a final product.
For these reasons the examiner maintains that the finality of the rejection was proper and that therefore the applicant's request for a further non-final action is not granted.

NIMESHKUMAR D. PATEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800